

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LOVELLA COUSINS-HARRIS and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Long Beach, Calif.

*Docket No. 96-2347; Submitted on the Record;
Issued July 10, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established a period of total disability causally related to a July 14, 1994 employment injury.

In the present case, appellant filed a claim alleging that she sustained injuries in the performance of duty on July 14, 1994, when she fell while walking down stairs. Appellant stopped working on July 14, 1994. The claim was denied by the Office of Workers' Compensation Programs in a decision dated November 2, 1994. Appellant submitted additional evidence, and by decision dated March 15, 1995, the Office accepted the claim for cervical and lumbar strains. The Office referred appellant for a second opinion examination to determine if there was any disability from work as a result of the employment injury.

In a decision dated April 29, 1996, the Office found that appellant had not established a period of total disability causally related to the employment injury.

The Board has reviewed the record and finds that the case is not in posture for decision.

In this case the Office referred appellant to Dr. Fernando A. Ravessoud, a Board-certified orthopedic surgeon, for a second opinion examination. The Office specifically requested that Dr. Ravessoud provide an opinion as to the period of total disability due to the employment injury. In a report dated April 25, 1995, Dr. Ravessoud provided a history and results on examination, noting evidence of a degenerative disc process. With respect to disability for work, Dr. Ravessoud stated, "It is unclear why the patient has been off work so long and why efforts to return her to employment have not occurred at an earlier level. It would not be my expectation that the patient should have been disabled for so long, though she is temporarily disabled due to a flare in symptoms which absent history of other injuries would be related to the last injury sustained by the patient to some degree."

Dr. Ravessoud does not provide a reasoned opinion on the issue presented. He stated that he would not have expected to be disabled for such a long period, without providing an opinion as to when the disability should have ceased. Moreover, he appears to indicate that as of April 24, 1995, the date of the report, appellant was disabled from the employment injury. Since the Office referred appellant to Dr. Ravessoud, it has the responsibility to obtain a report which adequately addresses the issues presented in the case.¹ The report from Dr. Ravessoud is of limited probative value on the issue of disability causally related to the employment injury, and therefore the case requires further development. On remand the Office should secure a reasoned medical opinion, based on a complete and accurate background, as to the nature and extent of any employment-related disability in this case. After such further development as the Office deems necessary, it should issue an appropriate decision.

The decision of the Office of Workers' Compensation Programs dated April 29, 1996 is set aside and the case remanded for further action consistent with this decision of the Board.

Dated, Washington, D.C.
July 10, 1998

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ See *Mae Z. Hackett*, 34 ECAB 1421 (1983); *Richard W. Kinder*, 32 ECAB 863 (1981).